PRESIDENT: It will be good for discussion if we re-arrange the Demands every two years.

MR. A. K. PILLAI (*Karunagapalli*): Can you not allow us more days, Sir?

PRESIDENT: The thing is we would not be able to stand the strain; and under the rules seven days is the maximum time allowed.

MR. A. K. PILLAI (*Karunagapalli*): We could stand the strain; but I realise the difficulty.

LEGISLATION.

THE CIVIL PROCEDURE CODE AMENDING BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*). Sir, I rise to introduce a Bill to amend the Civil Procedure Code, Regulation VIII of 1100. The circumstances under which this Bill happens to be introduced now have been announced this morning by the President, and I hope the members will excuse the shortness of the notice at which it is introduced. The copy of the Bill has been circulated and I now formally move that the Bill be read in Council.

MR. K. GEORGE (*Financial Secretary to Government*): I second it.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): I may be permitted to say a word in this connection. No doubt, the Civil Procedure Code is a very important piece of legislation and it was under the consideration of the first Council for a very very long time and that it contains many wholesome provisions.

We wish very much that the Bill becomes a Regulation earlier. But owing to unavoidable delay on account of its voluminousness and in the absence of translation, it has been delayed and the criticism that was levelled against *Civil Courts' Guide* may be levelled against the Civil Procedure Code also. I would suggest to Government the desirability of not puting it off for a long time.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I also rise to support Mr. Subba Aiyar's view that it is not advisable to put off the Civil Procedure Code for a very long time. Further, I have my own doubts as to whether this particular Bill is in order. I may draw the attention of the Council to Section XII Clause (*c*) of the Legislative Council Regulation, which says,

> "It shall not be lawful for any member to introduce, without the previous sanction in writing of Our Dewan, any measure ... ...
> ... ...
> (*c*) repealing or amending any law in force in Travancore not passed under Section 14 of this Regulation or under the corresponding Section of Regulation I of 1095 or Regulation V of 1073 or Regulation II of 1063".

In the present instance, my submission is that the law that is attempted to be affected by the Bill in question is a law which is not in force but which is yet to come into force. Whether the Council can enact a measure of that kind, even with the sanction of the Dewan, is a

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[Mr. P. K. Narayana Pillai.]

question which does not seem to be covered by any particular rule or provision of the Regulation, Standing order or Rule. That is one objection. Anyhow, I concede that the Dewan of Travancore has got, in emergent circumstances, power under Section 15 of the Regulation to enact any measure under peculiar exigencies. If, therefore, it is proposed to resort to such power, even there, such a measure will remain only in force for six months. Therefore, I do not think it is advisable to postpone the enforcing of the Civil Procedure Code beyond six months.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): May I point out to Mr. Narayana Pillai that the Section quoted by him applies only to Regulations not passed by the Council but passed direct by His Highness the Maha Raja or the Government without the aid of the Legislative Council and that it does not apply to a measure which has been passed by this Council?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): There is no law to be affected by this particular measure, as the Civil Procedure Code which has been passed by this Council is not law today. Before it becomes law, it is practically in a condition of suspended animation. It is somewhat in the state of a Bill and the question is whether a Bill can be amended —

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): To-day it is a Regulation.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I am submitting that it is not a Regulation *in force* to-day. Under these circumstances, I feel some difficulty as to the particular Section, Rule or Standing Order, under which this motion is before the House.

PRESIDENT: We have got to think a few days ahead. This Bill will become a Regulation only after the Civil Procedure Code becomes a Regulation as both of them derive their being only after the 1st Chingam 1101.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): The assumption is that the Civil Procedure Code has become law, before the 1st Chingam 1101.

It is to prevent the coming into force of the Civil Procedure Code that this attempt is now being made. Now I am raising the question whether this is possible under the Regulation or the Standing Order.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): May I also say a word with respect to this Bill? In the first place, it appears to be rather awkward that the two Regulations which received the Royal sanction only yesterday or to-day and will come into force from the 1st Chingam 1101 should be amended so soon after *i. e.* within less than 24 hours after they received the Royal sanction. As Mr. P. K. Narayana Pillai suggested, I also feel doubtful as to whether the Bill itself is in order. Because, it is not for the purpose of amending a

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